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July 11, 2022

Hon. Nelson S. Roman  
 United States District Court Judge  
 The Hon. Charles L. Brieant Jr.  
 Federal Building and United States Courthouse  
 300 Quarropas St.  
 White Plains, NY 10601-4150

Re: **Admiral Insurance Company v. Builders Choice of New York, Inc. d/b/a  
 Upstate Roofing and Siding and Polivio Valdivieso**  
 Case No. 7:21-cv-02460-NSR-AEK  
 Our File No.: N-ADM-00186.1

Dear Judge Roman:

This firm represents the Plaintiff, Admiral Insurance Company ("Admiral") in the captioned insurance declaratory judgment action and the we submit herein this letter to the Court jointly with counsel for Builders Choice of New York, Inc. d/b/a Upstate Roofing and Siding ("Builders Choice"). The underlying personal injury claimant, Polivio Valdivieso, has not appeared in the action.

On March 22, 2022, the undersigned signed a subpoena duces tecum for service upon Custodian of Records, Markel Claims Service Center. Markel, the claims service manager for Evanston Insurance Company, issued a coverage disclaimer/ denial of tender to Exterior Pro Builders Inc., claimant Valdivieso's employer and the subcontractor hired by Builders Choice and to Admiral. On June 16, 2022, counsel for Markel produced to the parties its redacted document production and privilege log.

Further to the Court's June 16, 2022 text Order, by letter dated July 8, 2022 the parties advised Magistrate Judge Andrew Krause that counsel for Builders Choice of New York, Inc. has indicated that, after reviewing Markel's document production, third-party practice is necessary. In light of the foregoing, the parties jointly requested that the discovery deadline be extended to give the parties sufficient time to commence third-party proceedings against Evanston Insurance Company and complete discovery.

On July 8, 2022, Magistrate Krause issued a text Order scheduling a status conference before Magistrate Judge Krause for July 14, 2022 at 10:00 a.m. via telephone. During that



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conference, the Court will extend the discovery schedule and set deadlines for next steps in this case. The text Order further stated that by July 12, 2022, the parties are to write a letter to Judge Roman requesting that their July 14, 2022 conference before Judge Roman be adjourned to a later date, since that conference was set based on the assumption that discovery would be completed well in advance of July 14, 2022.

Accordingly, the parties hereby request that the conference scheduled for July 14, 2022 before Your Honor be adjourned pending the completion of third-party practice and discovery.

Thank you very much for the Court's attention.

Very truly yours,

PILLINGER MILLER TARALLO, LLP

By   
GEORGE L. MANIATIS

GLM/mcm

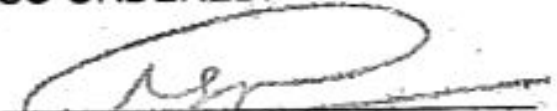
cc: Sean McAloon, Esq.

In light of the anticipated extension of the discovery deadlines, the parties' request to adjourn the telephonic Status Conf. from July 14, 2022 until Dec. 8, 2022 at 10:00 am is GRANTED. Counsel are directed to this Court's Order at ECF No. 26 for dial-in instructions. Clerk of Court is requested to terminate the motion at ECF No. 38.

Dated: White Plains, NY

July 11, 2022

**SO ORDERED:**

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE